IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.9223 of 2004

Shri.Premchand Kapoorchand Shah (Mehta) .. Petitioner

Vs.

Kulgaon Badlapur Nagarparishad & Ors. .. Respondents

Ms.Leena R.Sawant for petitioner.

Mr.Dinesh P.Adsule for Respondent No.2.

CORAM: B.H.MARLAPALLE & NARESH H.PATIL,JJ.

September 20, 2006.

P.C.

. It is noticed that R.C.S. No.336 of 1994 was dismissed by the Learned Civil Judge, Junior Division, Ulhasnagar on 10/04/2002 and the suit was filed for declaration and perpetual injunction. The plaintiff filed Civil Appeal No.49 of 2002 and the same has been dismissed by the Learned IIIrd Ad-Hoc Additional District Judge, Kalyan on 10/08/2004 and hence this petition.

. It is obvious that the petitioner- plaintiff has the remedy of filing a Civil Revision Application under Section 115 of C.P.C. and when such a

statutory remedy is available, there is no reason to entertain a writ petition under Article 227 of the Constitution of India though it is styled by the petitioner under Articles 226 & 227 of the Constitution of India.

. Hence the petition is disposed off as withdrawn with liberty to file a Civil Revision Application.

. Should there be an issue of limitation in entertaining the Civil Revision Application if filed within a period of 4 weeks from today, the period of pendency of this petition shall be taken into consideration.

(NARESH H. PATIL,J.) (B.H.MARLAPALLE,J.)